

**REMARKS**

Claims 1-17 are pending in this application. Claims 1, 16 and 17 are the independent claims.

On January 21, 2010, the Examiner issued a Notice of Non-Compliant Amendment, indicating that the claims do not correspond to the previously filed Response. Applicant respectfully traverses the Notice of Non-Compliance and submits that the Amendment filed October 27, 2009, is fully responsive.

In addition, during a teleconference with Examiner Belcher on February 3, 2010, the Examiner agreed that the October 27, 2009 Amendment is fully responsive, and that the Notice mailed January 21, 2010 will be withdrawn. Specifically, the Examiner stated that he inadvertently missed the Preliminary Amendment filed September 29, 2006. Hence, Applicant submits that the amendments made to the claims on October 27, 2009 are based on the claims filed in the Preliminary Amendment filed September 29, 2006.

Therefore, Applicant respectfully submits that the Notice is improper, and thus, the Response filed on October 27, 2009, is fully responsive.

**CONCLUSION**

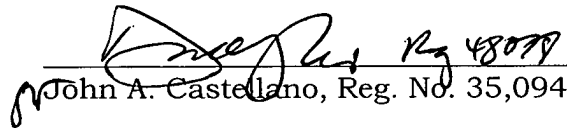
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
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